

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MICHAEL SAUERS, Individually and : No. 3:16cv811  
as Administrator of the ESTATE OF :  
CAROLA R. SAUERS, Deceased, : (Judge Munley)  
Plaintiff :  
: v. :  
: :  
STEPHEN HOMANKO, BOROUGH OF :  
NESQUEHONING, and SEAN SMITH :  
Defendants :  
.....**

**ORDER**

**AND NOW**, to wit, this 14<sup>th</sup> day of February 2017, it is hereby  
**ORDERED** that Defendant Stephen Homanko's motion to dismiss (Doc.  
11) is **DENIED**.

**s/ James M. Munley  
JUDGE JAMES M. MUNLEY  
United States District Court**